

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**JOHN MONTI,**

Plaintiff,

V.

**NEW RIVER VALLEY REGIONAL  
JAIL,**

Defendant.

Case No. 7:22CV00650

## OPINION

JUDGE JAMES P. JONES

*John Monti, Pro Se Plaintiff.*

The plaintiff, John Monti, proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983, alleging that jail officials were illegally experimenting on him in violation of his constitutional rights. This court's initial Order in the case, ECF No. 2, directed Monti to provide specific financial information. It also notified him of his ongoing responsibility to keep the court apprised of his current mailing address. The Order warned him that failure to comply with this requirement would result in dismissal of the action without prejudice. It is self-evident that the court must have a viable address by which to communicate reliably with Monti about this case. On June 20, 2023, the court's mailing of ECF No. 36 was returned as undeliverable to Monti at the address he

had provided. The returned envelope indicated that authorities were unable to forward the mailing.

Based on Monti's failure to comply with the court's Order regarding the need to provide the court with a current mailing address that would allow reliable communication about his case, I conclude that he is no longer interested in pursuing this civil action. Therefore, I will dismiss the action without prejudice for failure to prosecute. *See Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); *Donnelly v. Johns-Manville Sales Corp.*, 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

An appropriate Order will issue herewith.

DATED: July 7, 2023

/s/ JAMES P. JONES

Senior United States District Judge